

AUGUST 14, 2012

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, August 14, 2012.

ATTENDANCE

Present: Chairman Harold Cogdell, Jr. and Commissioners Karen Bentley, Dumont Clarke, Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts
County Manager Harry L. Jones, Sr.
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: None

-INFORMAL SESSION-

Commissioner Cooksey was absent when the meeting was called to order and until noted in the minutes.

The meeting was called to order by Chairman Cogdell, after which the matters below were addressed.

REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 12-0416, 12-0420, 12-0423, 12-0437, 12-0440, 12-0442, 12-0443, 12-0451, 12-0454, 12-0462, 12-0463, 12-0465, and 12-0470.

STAFF BRIEFINGS - NONE

CLOSED SESSION - (12-0485) BUSINESS LOCATION AND EXPANSION, (12-0487) CONSULT WITH ATTORNEY AND (12-0500) TO PREVENT DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL PURSUANT TO N.C.G.S. 143-318.11(A) (9)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to go into Closed Session for the following purposes: Business Location and Expansion, Consult with Attorney and To Prevent Disclosure of Information that is Confidential pursuant to N.C.G.S. 143-318.11(a)(9).

The Board went into Closed Session at 5:17 p.m. and came back into Open Session at 6:13 p.m.

Commissioner Cooksey was present when the Board came back into Open Session. He entered the meeting during Closed Session.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Chairman Cogdell called this portion of the meeting to order, which was followed by introductions, invocation by Commissioner Pendergraph, and the Pledge of Allegiance to the Flag; after which, the matters below were addressed.

AWARDS/RECOGNITION

(12-0480) NACO ACHIEVEMENT AWARDS

The Board recognized Mecklenburg County programs that received Achievement Awards from the National Association of Counties (NACo). Roger Kortekaas with Public Service and Information presented the award recipients.

Note: The annual Achievement Award Program was begun by the National Association of Counties in 1970 to recognize innovative programs that modernize county government and increase services to residents. The Achievement Awards are non-competitive. Each application is judged on its own merits and not against other applications received. Awards are given in 21 different categories including children and youth, criminal justice, county administration, environmental protection, information technology, health, and many more. Mecklenburg County has been honored with seven Achievement Awards this year, plus a special honor for one of the programs that was selected "Best in Category."

The 2012 Mecklenburg County department winners were:

- Community Support - Project Safe Neighborhoods Strengthens Enderly Park
- Park and Recreation - The Natural Element and Resources (NEaR) GIS Tool
- Park and Recreation - Urban Outdoors
- Park and Recreation - Cicada Watch: Mecklenburg County Brood XIX Magicicada Monitoring Project
- Department of Social Services - Comprehensive Quality Improvement Initiative- Working Together to Achieve
- Department of Social Services - Office of Consumer Advocacy
- Department of Social Services - Mecklenburg County DSS Community Resources Division Job Boost II Program

The National Association of Counties also recognized the Job Boost II program with its 2011 "Best in Category" award.

A copy of each programs' details is on file with the Clerk to the Board.

(12-0488) PUBLIC APPEARANCE

The following persons appeared to speak during the Public Appearance portion of the meeting:

Blanche Penn addressed Men Taking Kids To School On The First Day. She encouraged fathers and father figures to participate in this annual effort.

Doris Spears informed the Board that the Silver Fox Cheerleaders, whose ages range from 55 – 77, would be competing on the state level in an event scheduled for September 27-28 in

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Raleigh. Ms. Spears said the Silver Fox Cheerleaders mission statement is "To Provide an Outlet for Older Adults through Education, Participation, and Entertainment.

(12-0161) APPOINTMENT -- MECKLENBURG EMS JOINT AGENCY BOARD OF COMMISSIONERS

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to appoint Tanya Blackmon to the Mecklenburg EMS Joint Agency Board of Commissioners as the Presbyterian/Novant Healthcare representative to fill the unexpired term of Mark Billings, expiring December 31, 2013.

(12-0447) NOMINATIONS/APPOINTMENTS

ADULT CARE HOME ADVISORY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Frances Huntley-Christopher to the Adult Care Home Advisory Committee for a three-year term expiring August 31, 2015.

Motion was made by Commissioner Cooksey, seconded by Commissioner Pendergraph and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint David Gwilt to the Adult Care Home Advisory Committee for a one-year term expiring August 31, 2013.

He replaces James Guntrum.

AIR QUALITY COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Lauren Billheimer and Robert Statnick to the Air Quality Commission as General Public representatives for three-year terms expiring August 31, 2015.

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Anthony Kent to the Air Quality Commission as a General Public representative for a three-year term expiring August 31, 2015.

He replaces Curtis Watkins.

ALCOHOLIC BEVERAGE CONTROL BOARD

The following persons were nominated for appointment consideration to the Alcoholic Beverage Control Board by Commissioner Pendergraph: Ernest Barry, Chris Price, and Lloyd Scher.

Motion was made by Commissioner Leake, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake,

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Pendergraph and Roberts voting yes, to keep nominations open and continue to accept applications for appointment consideration to the Alcoholic Beverage Control Board until September 4, 2012.

Note: This matter will be back on the Board's agenda September 18, 2012.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Matthew Lucarelli to the Building Development Commission as the Charlotte Chamber of Commerce representative to fill an unexpired term expiring July 31, 2013.

He replaces Jon Morris.

CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE

The following persons were nominated for appointment consideration to the Charlotte-Mecklenburg Community Relations Committee by Commissioner Bentley: Mable Hemphill, Melandee Jones, Valarie Reed, and Nadia Vanderhall

Note: Appointments will occur on September 18, 2012.

INFORMATION SERVICES & TECHNOLOGY COMMITTEE

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Maurice Dunn, Kenneth Gjertsen and Mark Owen to the Information Services & Technology Committee for three-year terms expiring February 28, 2015.

They replace Pamela Gordon, John Lillard and Tomeko Smith.

MOUNTAIN ISLAND LAKE MARINE COMMISSION

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to reappoint Skip Hudspeth to the Mountain Island Lake Marine Commission for a three-year term expiring September 30, 2015.

PERSONNEL COMMISSION

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Jeannine Sargent to the Personnel Commission to fill an unexpired term expiring June 30, 2013.

She replaces Carrie Cook.

STORM WATER ADVISORY COMMITTEE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to nominate and appoint Zena Savoy to the Storm Water Advisory Committee as the Residential Neighborhood representative for a three-year term expiring June 30, 2015.

She replaces James Patterson.

(12-0498) APPOINTMENT - CENTRALINA ECONOMIC DEVELOPMENT COMMISSION - PRIVATE SECTOR REPRESENTATIVE

Motion was made by Commissioner Dunlap, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to recommend the appointment of Robert Hillman as the Board's private sector representative on the Centralina Economic Development Commission to fill an unexpired term expiring December 2013.

He would replace Ron Leeper.

PUBLIC HEARINGS

(12-0453) GOODWILL INDUSTRIES BOND APPROVAL

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and unanimously carried to open the public hearing on the proposed financing of a revenue bond project for Goodwill Industries of the Southern Piedmont, Inc.

No one appeared to speak.

Motion was made by Commissioner Bill James, seconded by Commissioner Karen Bentley and unanimously carried to close the public hearing on the proposed financing of a revenue bond project for Goodwill Industries of the Southern Piedmont, Inc.

The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the "Authority") intends to file an application with the Secretary of the North Carolina Local Government Commission for approval of the financing of new special purpose projects and refinancing of existing special purpose projects in Mecklenburg County, North Carolina for Goodwill Industries of Southern Piedmont, Inc. (the "Company"), consisting of the acquisition and improvement of social services facilities located at 16025 Lancaster Highway, Charlotte, North Carolina and 14420 Statesville Road, Charlotte, North Carolina and the refinancing of the Authority's Series 2008 Bonds previously issued to finance the acquisition and improvement of social services facilities located at 2515 Plantation Center, Matthews, North Carolina, 12716 South Tryon Street, Charlotte, North Carolina and 2905 Mount Holly-Huntersville Road, Charlotte, North Carolina, all for use as goodwill retail stores/donation sites in connection with providing workforce development and job-force training services to disabled and disadvantaged individuals and other individuals in the greater Mecklenburg County area (collectively, the "Project"), to be financed for the Company by not exceeding \$10,500,000 aggregate principal amount of bonds of the Authority.

The Project constitutes a "special purpose project" under and as defined in Section 159C-3(15a)(h) of the North Carolina General Statutes.

Attached as Exhibit A is a summary of a public hearing held by the Board of Commissioners on August 14, 2012 as required by Section 159C-8(c) of the North Carolina General Statutes, which

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public hearing related to the advisability of the Project and the issuance by the Authority of its revenue bonds (the "Bonds") to finance the Project. Because the Authority's application for approval cannot, under statute, be officially approved by the North Carolina Local Government Commission until, among other things, the Board approves in principle and finally approves the issuance of the Bonds for the purposes of paying all or part of the proposed Project, the Authority has recommended and requested that the Board pass a resolution approving in principle and finally approving the Bonds. Furthermore, the Board hereby acknowledges that the law firm of Pope Zeigler, LLC, Charlotte, North Carolina, has been approved by the Authority to serve as bond counsel in connection with the issuance of the Bonds and the Board deems it necessary to provide its approval of Pope Zeigler, LLC's service as bond counsel for the financing.

Thereupon, Commissioner Bill James introduced the following resolution, a copy of which had been distributed to each Commissioner and the title of which appeared on the agenda materials:

RESOLUTION OF APPROVAL OF THE ISSUANCE OF NOT TO EXCEED \$10,500,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A NEW PROJECT AND REFINANCE AN EXISTING PROJECT, ALL LOCATED IN MECKLENBURG COUNTY, NORTH CAROLINA, FOR GOODWILL INDUSTRIES OF SOUTHERN PIEDMONT, INC., AND APPROVAL OF BOND COUNSEL FOR THE FINANCING.

BE IT RESOLVED by the Board of Commissioners for the County of Mecklenburg:

Section 1. The issuance of not exceeding \$10,500,000 aggregate principal amount of bonds (the "Bonds") of The Mecklenburg County Industrial Facilities and Pollution Control Financing Authority (the "Authority") to finance a new special purpose project and refinance an existing special purpose project in Mecklenburg County, North Carolina for Goodwill Industries of Southern Piedmont, Inc. (the "Company") is hereby approved in principle.

Section 2. Pursuant to and in satisfaction of the requirements of Section 159C-4 (d) of the General Statutes of North Carolina and Section 147(f) of the Internal Revenue Code of 1986, as amended, the Board hereby approves the issuance by the Authority of the Bonds described herein.

Section 3. The Board hereby acknowledges receipt from Pope Zeigler, LLC, Charlotte, North Carolina, of a statement of qualifications to serve as bond counsel for the financing, and the Board hereby approves Pope Zeigler, LLC's service as bond counsel.

Section 4. The Clerk to the Board of Commissioners for the County of Mecklenburg, North Carolina, is directed to file a certified copy of this resolution with the North Carolina Local Government Commission.

Section 5. This resolution shall take effect immediately upon its passage. Commissioner Bill James moved passage of the foregoing resolution entitled:

RESOLUTION OF APPROVAL OF THE ISSUANCE OF NOT TO EXCEED \$10,500,000 AGGREGATE PRINCIPAL AMOUNT OF INDUSTRIAL DEVELOPMENT REVENUE BONDS OF THE MECKLENBURG COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY TO FINANCE A NEW PROJECT AND REFINANCE AN EXISTING PROJECT, ALL LOCATED IN MECKLENBURG COUNTY, NORTH CAROLINA, FOR GOODWILL INDUSTRIES OF SOUTHERN PIEDMONT, INC., AND APPROVAL OF BOND COUNSEL FOR THE FINANCING.

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Commissioner Karen Bentley seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr., Neil Cooksey, George Dunlap, Bill James, Vilma Leake, Jim Pendergraph and Jennifer Roberts

Noes: None

Abstaining: _____

Extract/Resolution recorded in full in Minutes Book _____, Document # _____.

(12-0461) ROAD ABANDONMENT AND CLOSURE AT THE CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT

Motion was made by Commissioner James, seconded by Commissioner Roberts and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing to hear comments with respect to the abandonment and closure of three roadways and right-of-ways at the Charlotte-Douglas International Airport.

Commissioner Cooksey left the dais and was away until noted in the minutes.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on the abandonment and closure of three roadways and right-of-ways at the Charlotte-Douglas International Airport; and adopt the Order For Abandonment and Closure Of Three Roadways And Their Right-of-ways At The Charlotte-Douglas International Airport.

Order recorded in full in Minutes Book _____, Document # _____.

(12-0495) NAMING OF COUNTY FACILITY

Motion was made by Commissioner James, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open the public hearing on Mecklenburg County's proposal to name the Old Criminal Courts Building located at 700 East 4th Street as the "Judge Clifton E. Johnson Building" in honor of the late Honorable Judge Clifton E. Johnson.

Note: Chairman Cogdell initiated the request. According the Mecklenburg County Bar website, in 1969, Clifton E. Johnson made history in being the first African American hired (Mecklenburg County) as an Assistant State Prosecutor for North Carolina since the 19th century. He subsequently became the first African American District Court Judge of Mecklenburg County in 1969. Judge Johnson was North Carolinas first African American Chief District Court Judge in 1974 and the first African-American Resident Superior Court Judge for North Carolina in 1977. In 1978 he was one of two African-Americans first elected to a statewide office in North Carolina. He was appointed to the North Carolina Court of Appeals in 1982. He rose to the rank of Senior Associate Judge of the North Carolina Court of Appeals. While on the Appellate Court, Judge Johnson served as the state's first African American Chairman of the North Carolina Judicial

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Standards Commission. He retired from the bench at the end of 1996. In May 2008, he again became part of the judiciary as a Recall Judge of the state's Court of Appeals and as a North Carolina Emergency Superior Court Judge. In addition to breaking historic barriers and selflessly serving his community, Judge Johnson devoted himself to helping others do the same by actively working to facilitate the recruitment, hiring, retention and promotion of diverse individuals in the legal profession. Judge Clifton E. Johnson was selected, posthumously, as the recipient of the 2010 Julius L. Chambers Diversity Champion Award. According to the NC Central University School of Law, Judge Johnson was not in the habit of asking or encouraging others to do that which he himself would not. Through the years, Judge Johnson without substituting or compromising qualification and ability with race or gender, did not hesitate to integrate his staff of clerks. Judge Johnson married his high school sweetheart, Brenda Joyce Wilson, more than thirty-four years prior to his death in 2009. This union was blessed with two biological and two adopted children. Notwithstanding, his service to the legal profession, Judge Johnson cared daily for his disabled wife for years prior to her death and nurtured his four children.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the public hearing on Mecklenburg County's proposal to name the Old Criminal Courts Building located at 700 East 4th Street as the "Judge Clifton E. Johnson Building" and approve naming the Old Criminal Courts Building located at 700 East 4th Street the "Judge Clifton E. Johnson Building."

Commissioner Cooksey returned to the dais.

(12-0450) BID WITHDRAWAL -- MECKLENBURG COUNTY AQUATIC CENTER ROOF REPLACEMENT

Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to open a hearing on DAVCO Sheet Metal and Roofing (DAVCO) request to withdraw its bid on the Mecklenburg County Aquatic Center Roof Replacement.

No one appeared to speak.

Motion was made by Commissioner James, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to close the hearing on DAVCO Sheet Metal and Roofing (DAVCO) request to withdraw its bid on the Mecklenburg County Aquatic Center Roof Replacement and adopt a resolution allowing DAVCO to withdraw its bid, resolution entitled Mecklenburg County Board of Commissioners Resolution Approving DAVCO Roofing and Sheet Metal Request To Withdraw Its Roof Replacement Bid On The Mecklenburg County Aquatics Center.

Resolution recorded in full in Minutes Book _____ document # _____.

ADVISORY COMMITTEE REPORTS - NONE

MANAGER'S REPORT

(12-0434) 2012 LEGISLATIVE REVIEW

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The Board received a report on the 2012 session of the North Carolina General Assembly. Brian Francis, Assistant to the County Manager, Kevin Leonard, Deputy Director of the North Carolina Association of County Commissioners (NCACC), and Daniel Baum of Troutman Sanders gave the report.

Mr. Leonard addressed issues of statewide importance and Mr. Baum legislative issues specific to Mecklenburg County.

Note: The General Assembly adjourned on July 3, 2012.

The report covered the following:

- State Budget
- Human Services Flexibility
- Broadband
- Fracking
- Contingency Fee Audits
- Five Priority Goals in 2011-12 Biennium
- NCACC Legislative Goals Achieved in 2011-12 Biennium
- 2012 Short Session: Adjournment Report
 - Overview
 - Legislative Agenda Items
 - Tracked Bills
 - Studies

A copy of the report is on file with the Clerk to the Board.

Comments

Chairman Cogdell asked if the NCACC had given thought to 1) bringing forward a constitutional amendment request to the General Assembly, 2) a request to place on the ballot a constitutional amendment, or 3) working with the State School Board Association, to require the State to adopt the budget by a date certain, prior to the end of the fiscal year. *Mr. Leonard said to his knowledge that specific goal had not been raised during the NCACC goals process.*

Mr. Leonard said the issue was brought up this past session by Speaker of the House Thom Tillis, who said local governments needed the certainty of having the state budget adopted prior to when their budgets have to become effective.

STAFF REPORTS & REQUESTS

(12-0457) AMENDMENTS -- FIRST WARD PROJECT LAND EXCHANGE AND DEVELOPMENT AGREEMENTS

Motion was made by Commissioner James, seconded by Commissioner Dunlap and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to approve amended terms to the First Ward Redevelopment – Economic Development Grant and Reimbursement Agreement and authorize the County Manager to negotiate final agreements for Board subsequent approval.

Note: A summary of the amended projects terms is on file with the Clerk to the Board.

John Allen, Economic Development Director presented this matter to the Board.

Comments prior to the above vote:

Commissioner Roberts asked was any of the square footage of the park being reduced. *The response was no.*

Commissioner Roberts asked had the park been designed. *The response was the designed has not yet been finalized, thus there would not be any redesign of something that has already been designed.*

Commissioner Leake asked if affordable housing was a part of this process. *The response was yes, there would be 50 affordable housing units.*

Commissioner Leake asked about the value of the County's property and the Levine property, which was addressed.

Commissioner Cooksey asked for clarification on the Conceptual Plan map and location of the parking deck, which was addressed by Mr. Lee Cochran.

Commissioner Cooksey asked about the 10th Street Apartments which was addressed.

Commissioner Clarke asked if this matter had gone through a review by the Planning Commission. *Mr. Cochran said all of their conversations with the City of Charlotte have involved Planning Director Deborah Campbell. He said the project had not gone through any formal review by the Planning Commission because he doesn't think it's required.*

Commissioner Clarke asked about the timing of other development in the area which was addressed.

Chairman Cogdell asked about the total build-out which was addressed.

(12-0455) BUSINESS INVESTMENT PROGRAM GRANT: GENPAK, LLC

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 8-1 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Pendergraph and Roberts voting yes and Commissioner James voting no, to adopt a Resolution approving a Business Investment Program Grant to Genpak, LLC for a total estimated amount of up to \$276,043 and authorize the County Manager to negotiate and execute a contract.

Note: Genpak is headquartered in Glens Falls, New York. The company makes single-use food service items including cups, foam and plastic containers, and cutlery. It has 18 locations across the United States, including a facility on Westinghouse Boulevard that employs 120 people. The company is now adding paper bags to its product line, and will expand its existing Charlotte facility to produce the bags. The project will include a capital investment of approximately \$15 million. It will create 80 new jobs over three years with a projected average annual salary of approximately \$36,400. The County's grant is equal to 90% of the net new taxes that will be paid by Genpak over three years and will be subject to the County's standard contract conditions setting compliance requirements on the part of the company, including clawback provisions. A fiscal impact analysis showed a present value of net benefits to the County of \$109,618 over 6 years. The City of Charlotte will also provide financial assistance to this project and the State of NC will provide training assistance.

Resolution recorded in full in Minutes Book _____ Document # _____.

(12-0494) UPDATE ON CAPITAL FINANCING

The Board received a report on Capital Financing. Finance Director Dena Diorio gave the report. The following was covered:

Background

- Authorized/Unissued Debt as of June 30, 2009
- Debt Management Strategies
- Impact of Strategies
 - Reduced Outstanding Debt By 19.2%
 - Reduced Authorized/Unissued Debt by \$558.6 million or 47.2%
 - Utilized pay-as-you-go in lieu of bond financing
 - Avoided interest expense estimated at \$37.5 million
 - Bond authorizations allowed to lapse

A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Dunlap asked about the County's debt capacity in terms of bonds, which was addressed.

Commissioners James and Bentley complimented staff on the report.

Commissioner Leake asked for clarification regarding bond authorizations allowed to lapse, which was addressed.

Commissioner Clarke asked what would the next five years look like based upon what's known about the current rate of issuing new debt and the County's rate of paying off outstanding debt, which was addressed.

Commissioner Clarke asked where would staff rank the current amount of debt outstanding in terms of whether the County was at the right point or too high, which was addressed.

Commissioner Clarke asked about pay-go which was addressed.

This concluded the presentation. No action was taken or required. The above is not inclusive of every comment.

COUNTY COMMISSIONERS REPORTS & REQUEST

(12-0481) DOCUMENTATION OF CMS STUDENT IMMIGRATION STATUS - COMMISSIONER JAMES

The following persons appeared to speak in opposition to the proposal put forth by Commissioner James and Co-sponsors Commissioners Bentley and Pendergraph, to request that Charlotte-Mecklenburg Schools (CMS) quantify the financial impact on the Mecklenburg County budget of illegal immigrants who attend CMS and request CMS to obtain documentation about students immigration status beginning with the start of the new school year in 2012: Briana Urbina, Jess George with the Latin American Coalition, and Hector Vaca.

They noted the following:

- Undocumented immigrants pay taxes
- The proposed request was unconstitutional
- "An attack on innocent children."

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Mr. Vaca said according to “the United Nations human rights to education guarantees every child access to quality schools, services, without discrimination, including quality teachers, curricula, and safe and welcoming school environments that respect human dignity.” Mr. Vaca said the proposed request intent “was not to look after the welfare of the taxpayer. Their intent was plainly and simply to stage an attack on the immigrant population and to deny innocent children the opportunity to a quality education.”

Commissioner Pendergraph said the intent of the request was not to take away the rights of children to an education.

Commissioner Pendergraph said the request was about being able to respond to constituents that ask him how much it costs to educate illegal immigrants who attend CMS. Commissioner Pendergraph said he’s been trying for at least two years to get an answer to that question.

Commissioner Pendergraph said this issue had nothing to do with “hate.” He said it was about getting information. He said the best guess, from what he’s been told, was that there were between 8,000-10,000 undocumented students in CMS and most were between the 8th & 12th grades. Commissioner Pendergraph said he didn’t blame the children because they were brought here by their parents.

Commissioner Pendergraph said the best guess on the cost to educate these children was about \$100 million annually. Commissioner Pendergraph said he wanted to know if this was true or not.

Commissioner Pendergraph said he talked with a member of Congress, who was willing to introduce a federal bill for reimbursing a county for the costs of educating undocumented students.

Commissioner James said he felt Commissioner Pendergraph summarized the matter fairly “succinctly and eloquently.”

Commissioner James said this was about obtaining valid information that impacts the County’s budget.

Commissioner James said what this came down to was whether or not the County wants to ask CMS for information they should already have or if not, they should be able to bring it up.

Commissioner Bentley said she agreed to co-sponsor the request in the spirit of transparency and full disclosure, and taxpayer advocacy.

Commissioner Bentley said there was “no harm or discrimination intended” by the request.

Commissioner Dunlap said he felt this was about the media and politics, in light of it being political season.

Commissioner Dunlap said the figures mentioned were “substantially higher” than what it costs the community.

Commissioner Dunlap said there were children who were afraid to go to school because of issues like the proposed request.

Commissioner Roberts said she felt the proposed request was based on “wrong assumptions.”

Commissioner Roberts said there may be a lot of immigrants whose documents may be in process. She said they work and pay taxes.

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Commissioner Roberts said she understood the frustration and challenges that local governments have to deal with because of “failed federal policies.” Commissioner Roberts said energy should be put into looking at immigration from a bigger picture.

Commissioner Roberts said the proposed request may result in unintended consequences.

Commissioner Cooksey said in light of Commissioner Roberts’ comments regarding looking at immigration from a bigger picture that perhaps the Board should add this matter to its federal legislative agenda and ask for a federal public policy that would require the information proposed by Commissioners James, Bentley, and Pendergraph from the school district.

Commissioner Cooksey said he supported the proposed action by Commissioners James, Bentley, and Pendergraph which was to request that CMS (Charlotte-Mecklenburg Schools) quantify the financial impact on the Mecklenburg County budget of illegal immigrants who attend CMS and request CMS to obtain documentation about students immigration status beginning with the start of the new school year in 2012.

Commissioner Cooksey said he supported the proposal because he felt the County needed to have and deserved the information, so that the Board could react to it appropriately.

Commissioner Cooksey said that didn’t mean the Board would necessarily go in and remove these kids from their classroom, but there may be things that could be done to structure programs that better suit this population.

Commissioner Cooksey said “we may be putting kids in programs that don’t suit their needs, because we don’t know what their immigration status is.” Commissioner Cooksey said there were some positive things that could come out of this as well.

Commissioner Clarke said he was going to vote against the proposed request.

Commissioner Clarke said it would be expensive to do and would put an additional “burden” on CMS administrators, “a huge one.” Commissioner Clarke said the Board would be “demanding” CMS to do more with less in a growing school system. “We’re demanding that they focus on core educational things and we want them to spend the money on that, we don’t want them doing unnecessary things.”

Commissioner Clarke said “the law of this land is that these children are entitled to a public education funded by the taxpayers in this country, just as any other child is.”

Commissioner Cooksey left the meeting and was absent for the remainder of the meeting.

Commissioner Leake said this request reminded her of Brown vs. The Board of Education in 1954 and Swan vs. The Board of Education. Commissioner Leake said every child needs to be provided a “quality education.”

Chairman Cogdell said the proposed request could lead to “unintended and foreseeable” consequences, such as bullying. He said it could create an environment of separatism. He said there were children currently who would be impacted by this request because they would have to provide that information if asked by CMS to do so, which would have a “stigma and a psychological impact.”

Motion was made by Commissioner James, seconded by Commissioner Pendergraph and failed 5-3 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting no and Commissioners Bentley, James, and Pendergraph voting yes, to request that CMS (Charlotte-Mecklenburg Schools) quantify the financial impact on the Mecklenburg County budget of

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illegal immigrants who attend CMS and request CMS to obtain documentation about students immigration status beginning with the start of the new school year in 2012.

Commissioner James left the meeting and was absent for the remainder of the meeting.

Commissioner Pendergraph left the meeting and was absent for the remainder of the meeting.

(12-0433) REPORT ON PARK SAFETY - CHAIRMAN COGDELL

The Board received a report from staff on park safety, including security measures and agreements with law enforcement regarding park safety. Park and Recreation Director Jim Garges, and staff members Jeff Robinson and Greg Clemmer and Police Officers Kerr Putney and Freda Lester gave the report.

Note: The tragic loss of life recently at a public park (Theresa Elder Park) and subsequent comments by a resident of the neighborhood near the park raised concerns about park safety.

The following was covered:

- Key Facts regarding reported crimes in parks
- Mecklenburg County vs. Park and Recreation Property Crime Comparison
- Mecklenburg County vs. Park and Recreation Violent Crime Comparison
- Crime Hotspots January 2009-June 2012
- Crime Hotspots by Park Region January 2009-2012
 - Non-Aggravated Assault
 - Aggravated Assault
 - Armed Robbery
 - Strong Armed Robbery
 - Rape
 - Homicide
 - Larceny from Auto
- Security Measures

A copy of the report is on file with the Clerk to the Board.

Comments

Commissioner Leake asked about lighting in parks, which was addressed.

Chairman Cogdell asked what should persons do if they observe suspicious behavior or individuals at parks after the park has closed. *Officer Putney said they should call 911 and that they should call when they first see it, rather than after the fact.*

Chairman Cogdell thanked the presenters for the report.

(12-0497) WOMEN'S EQUALITY DAY FUNDING - COMMISSIONER LEAKE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 5-1 with Commissioners Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes and Commissioner Bentley voting no, to appropriate \$1,500 from FY2013 Unrestricted Contingency to Community Support Services to fund the Women's Equality Day event to be held August 20, 2012.

(12-0486) AMEND THE BOCC 2012 ANNUAL MEETING SCHEDULE - CHAIRMAN COGDELL

Motion was made by Commissioner Roberts, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to amend the Mecklenburg County Board of Commissioners 2012 Annual Meeting Schedule to cancel the September 11, 2012 Budget/Public Policy meeting because there is no business to come before the Board at the September 11, 2012 Budget/Public Policy meeting.

CONSENT ITEMS

Motion was made by Commissioner Clarke, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve the following item(s):

(12-0401) AREA MENTAL HEALTH MONTHLY FINANCIAL REPORT

Receive Area Mental Health Monthly Financial Report.

**MECKLENBURG COUNTY AREA MENTAL HEALTH
Statement of Revenues and Expenses
FY 2012, For the period ending May 2012**

	Budget	Actual	%
Revenue Source			Received
Medicaid & CAP	\$ 8,893,442	\$ 4,856,934	54.61%
State and Federal	31,000,095	23,177,837	74.77%
Third Party/Other	75,756	38,645	51.01%
County	39,800,837	14,031,009	35.25%
Total Revenues	\$ 79,770,130	\$ 42,104,425	52.78%
			%
Budget Actual Spent			
Service Continuum			
Children's Developmental Services	\$ 7,483,145	\$ 5,703,753	76.22%
Child & Adolescent Services	12,443,062	7,889,467	63.40%
Adult Mental Health	6,881,285	4,279,494	62.19%
Adult Substance Abuse	14,051,186	11,545,978	82.17%
Local Management Entity	7,775,537	5,684,131	73.10%
BHC Randolph	21,594,186	0	0.00%
Developmental Disabilities	9,541,729	7,001,602	73.38%
Total Expenditures	\$ 79,770,130	\$ 42,104,425	52.78%
Net (Revenues - Expenditures)	0	0	0%

Note: All revenue received from outside sources plus County revenue covers total expenditures incurred

In accordance with the Performance Agreement with the North Carolina Department of Health and Human Service, the program director of the county program shall present to each member of the Board of County Commissioners a budgetary statement and balance sheet. This information shall be read into the minutes of the meeting at which it is presented. The program director of the county program shall provide to the Board of County Commissioners ad hoc reports as requested by the Board of County Commissioners.

(12-0404) RETIRE CANINE OFFICER REX (SHERIFF'S OFFICE)

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Retire and approve the donation of a retired Canine Officer to Deputy Sheriff Handler.

Note: This action will allow the Mecklenburg County Sheriff's Office (MCSO) to retire and transfer ownership of Canine Officer Rex to his MCSO Officer handler. The Canine Officer performed his duties faithfully and diligently and has reached the age and physical condition for retirement. The Canine Officer was specifically trained in certain law enforcement procedures and may behave unpredictably and perhaps in an aggressive manner as a result of such training. Therefore, the Canine Officer presents a risk to general public health and safety, if presented for sale to or adoption by the general public who are unfamiliar with the specialized training the Canine Officer received. Such risk to public health and safety is not present when the Canine Officer is transferred to the care and keeping of his MCSO Officer handler. This allows each canine officer to retire to a familiar environment in the care of an MCSO Officer very familiar with their training, and permits an ownership transfer of the canine officer that does not endanger public health and safety.

(12-0415) AMEND ORDINANCE -- PUBLIC GOLF COURSES CONSOLIDATED CAPITAL RESERVE FUND

Amend the Public Golf Courses Consolidated Capital Reserve Fund Ordinance to authorize 100% of golf fees (except The Tradition) to be set aside in the reserve fund.

Ordinance recorded in full in Minutes Book _____ Document # _____.

(12-0429) AUCTION FOR DISPOSAL OF VEHICLES AND EQUIPMENT

Approve the attached list (Exhibit A) as surplus, and

Adopt a resolution authorizing sale of surplus personal property by public auction on September 22, 2012 at 10:00 a.m. at 5550 Wilkinson Blvd, Charlotte, NC.

Resolution and Exhibit A recorded in full in Minute Book _____ Document # _____.

(12-0430) BUDGET AMENDMENT -- HEALTH DEPARTMENT (REVENUE INCREASE)

Recognize, receive and appropriate Cities Readiness Initiative funds in the amount of \$38,736 from the NC Office of Preparedness and Response for planning during the upcoming Democratic National Convention.

Note: The Cities Readiness Initiative funds (CRI) will pay for the cost of two part-time planners who will assist the Mecklenburg County Health Department staff with preparing for all aspects of the Democratic National Convention (DNC). They will assist in strengthening plans to respond to potential communicable disease threats during the Democratic National Convention (DNC). They will coordinate with local, state and federal public health partners and will be available to provide support during the DNC and will assist in post-event action reports.

(12-0431) GRANT APPLICATION -- CATAWBA-WATEREE HABITAT ENHANCEMENT PROGRAM (HEP)

Approve submitting a \$36,000 grant application for a Catawba-Wateree Habitat Enhancement Program and recognize, receive and appropriate funds if awarded.

(12-0436) FOREST LAND AGREEMENT

Approve "Agreement for the Protection, Development and Improvement of Forest Land in Mecklenburg County."

Note: This is a renewal of a one-year agreement with a 40% County and 60% State funding establishing a Mecklenburg County office of the North Carolina Forestry Service with duties and responsibilities as specified in the agreement.

Agreement recorded in full in Minutes Book _____ Document # _____.

(12-0438) BUDGET AMENDMENT -- AREA MENTAL HEALTH (REVENUE DECREASE)

A) Recognize, receive and appropriate state single-stream funding in the amount of \$203,736 per annual state allocation letter.

B) Reduce developmental disabilities federal funding and expenditure budget in the amount of \$131,820 per annual state allocation letter.

C) Reduce substance abuse federal funding and expenditure budget in the amount of \$397,347 per annual state allocation letter.

(12-0441) CAPITAL RESERVE REQUEST -- SYNTHETIC TURF FIELDS (PARK & RECREATION)

Appropriate \$20,000 from the Turf Field Capital Reserve Fund to conduct soil test and install additional foundations for sports field lighting poles at Elon Park.

(12-0445) REPORT OF SETTLEMENT OF HOSPITAL AUTHORITY LAWSUIT

Receive as information that The Charlotte-Mecklenburg Hospital d/b/a Carolinas HealthCare Sys. v. **Mecklenburg County**, in the General Court of Justice, Superior Court Division, Mecklenburg County, Case Number: 11-CVS-13379 was settled as approved by the Board of County Commissioners on June 5, 2012, in closed session, the Board of County Commissioners authorized settlement of this lawsuit. Motion was made by Commissioner James, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Pendergraph and Roberts voting yes, to authorize the County Manager to execute the Settlement Agreement with the Charlotte-Mecklenburg Hospital Authority.

Settlement Agreement recorded in full in Minutes Book _____, Document # _____.

(12-0448) CONSERVATION DECLARATION AGREEMENT -- DAVIE PARK STREAM RESTORATION

Authorize the County Manager to negotiate and execute a Conservation Declaration Agreement with the Army Corps of Engineers - Wilmington Division for Wetlands mitigation on portions of tax parcel #225-082-05.

(12-0449) BUDGET AMENDMENT -- STATE BOARD OF ELECTIONS AUDIO CODING GRANT (REVENUE INCREASE)

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Recognize, receive and appropriate grant funds in the amount of \$1,948.10 from State Board of Elections to pay for audio coding.

(12-0452) AMENDMENT TO AGREEMENT WITH ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

(1) Authorize the County Manager to amend an existing agreement with the Administrative Office of the Courts (AOC) for the AOC to provide funding for the additional costs of furniture for a training room constructed under the agreement.

(2) Recognize, receive and appropriate in the Capital Reserve Fund up to \$3,500 for the additional costs of furniture for the training room.

(12-0459) BUDGET AMENDMENT -- LAND USE AND ENVIRONMENTAL SERVICES (REVENUE INCREASE)

Recognize, receive and appropriate \$342,072 for required improvements on Brief and Ira Flowe Roads and authorize carry forward of funds through completion of the project.

(12-0460) CONSERVATION RESTRICTIONS ON COUNTY PROPERTY

Authorize the County Manager to execute Conservation Declarations on the following County properties for the stream restoration project funded by NC Clean Water Management Trust Fund along Little Sugar Creek:

(a) Right Stream Bank: Tax Parcel 08303136

(b) Left Stream Bank: Tax Parcel 08303124, 08303123, 08303122, 08303121, 08303120, 08303119, 08303118, 08303117 & 08303116

(12-0466) TAX COLLECTOR'S ANNUAL SETTLEMENT FOR FISCAL YEAR 2012

Receive and accept the Tax Collector's Settlement for fiscal year 2012.

Note: The Tax Collector's Settlement is submitted to the Board of County Commissioners in accordance with North Carolina General Statute 105-373(3). The Settlement is to be entered into the records of the Board of County Commissioners as directed by statute.

AUGUST 14, 2012



MECKLENBURG COUNTY
Office of the Tax Collector

To: Board of County Commissioners
Harry L. Jones, Sr., County Manager
Dena Diorio, Finance Director

From: Neal L. Dixon, Tax Collector

Date: July 30, 2012

Subject: Tax Collector's Settlement for Fiscal Year 2012

Pursuant to the provisions of N.C.G.S. 105-373, this memorandum is the Tax Collector's report of settlement to the Mecklenburg County Board of Commissioners for fiscal year 2012 (tax year 2011).

Total FY 2012 Tax charged to the Tax Collector for Collection: \$980,999,483.38

Real Estate & Personal Property Tax

<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$907,023,540.96	\$897,035,372.48	\$11,773,130.80	98.89%

Registered Motor Vehicle Tax

<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$ 58,278,324.07	\$ 50,812,977.41	\$ 7,945,666.07	87.19%

Combined Total

<u>Net Levy</u>	<u>Collected</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
\$965,301,865.03	\$947,848,349.89	\$19,718,796.87	98.19%

At the end of FY2012 there were a total of 331 parcels with tax bills totaling \$1,511,494.14 under formal appeal with the Board of Equalization and Review or the Property Tax Commission; consequently, the Tax Collector was barred from pursuing collection for these tax bills. In addition, the Tax Collector was barred by the U.S. Bankruptcy Court from collecting 1,031 real estate, personal property, and registered motor vehicle tax bills totaling \$1,158,748.52.

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Tax Collector's Settlement for Fiscal Year 2012
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This represents a 30% increase in the dollar amount under bankruptcy protection from last year. Since the above totals were barred from collection, it is important to note that when these totals are removed from the net levy calculation, the combined collection percentage increases to 98.46%.

Reference is hereby made to reports in the Office of the Tax Collector that list the persons owning real property and personal property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person. These reports are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed by utilizing the remedies available to him for collection.

Prior Year Collections

During FY 2012, the Tax Collector pursued collection of delinquent prior year taxes.

Real Estate and Personal Property Tax:

<u>Tax Year</u>	<u>Net Levy</u>	<u>Collected in FY2012</u>	<u>Uncollected</u>	<u>Pct. Collected</u>
2005	\$687,118,189.38	\$ 388,553.46	\$1,437,683.24	99.79%
2006	\$696,440,195.56	\$ 434,940.87	\$1,750,316.44	99.75%
2007	\$744,415,705.05	\$ 721,977.93	\$2,322,927.29	99.69%
2008	\$779,195,252.51	\$ 923,124.84	\$2,648,147.88	99.67%
2009	\$800,273,867.98	\$1,669,312.43	\$3,659,998.96	99.55%
2010	\$813,683,506.21	\$5,019,591.95	\$7,324,789.03	99.10%

Registered Motor Vehicle Tax:

2008	\$60,324,219.68	\$ 125,336.11	\$1,497,977.49	97.52%
2009	\$54,929,860.51	\$ 323,314.43	\$1,492,487.82	97.29%
2010	\$54,448,232.73	\$ 4,824,928.24	\$1,735,562.24	96.81%

Tax Collector Comments

The North Carolina Tax Collector's Association, in conjunction with the UNC School of Government and others, reviewed and provided new guidelines for the preparation of annual tax settlements. Although North Carolina law does not require that collection percentages be calculated and reported on this settlement, it has been customary to report the percentage of the original billed amount that was collected for the settlement year. Based on the new guidelines provided, the collection percentages for all years reflected in this settlement are based on the net levy rather than the original billed amount. The net levy is the difference between what was originally billed and any releases, discoveries, and/or adjustments that were made after the initial billing. Since releases and downward adjustments cannot be collected, basing the collection percentage on the net levy is a more accurate measure of the results of the Tax Collector's work during the fiscal year.

Please contact me at Neal.Dixon@MecklenburgCountyNC.gov or 704-336-3322 if you have any questions or comments regarding this settlement report.

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Tax Collector's Settlement for Fiscal Year 2012
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North Carolina General Statute 105-373(3) requires that this settlement be submitted to the governing board. The settlement shall be entered into the minutes of the governing body.


Tax Collector July 30, 2012
Date

Sworn to and subscribed before me this 30 day of July, 2012


Notary Public

My commission expires: September 2, 2014
Date

CC: Julie Berger, Deputy Director, Office of the Tax Collector
Kimberly Brown, Deputy Director, Office of the Tax Collector
Keith Gunter, Deputy Director, Office of the Tax Collector



(12-0467) GRANT APPLICATION -- FEMA (LUESA)

- 1) Authorize the County Manager to submit a grant request in the amount of \$20,000 with the Federal Emergency Management Agency; and
- 2) If awarded, recognize, receive and appropriate grant funds and authorize the County Manager to execute a contract to implement grant scope of work as specified in Mapping Activity Statement; and
- 3) Authorize the carry-forward of unspent funds for the duration of the grant.

(12-0468) ORDER OF COLLECTION – 2012 AD VALOREM TAXES

Adopt the Order of Collection authorizing the Tax Collector to collect 2012 ad valorem taxes.

Note: This is a requirement of 105-321(b) of the North Carolina General Statutes. General Statute 105-32(b) states: "Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so, shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property."

**ORDER OF COLLECTION
NORTH CAROLINA, MECKLENBURG
TO THE TAX COLLECTOR OF MECKLENBURG COUNTY
GENERAL STATUTE 105-321(b)**

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the office of the Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Mecklenburg and this order shall

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be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Order recorded in full in Minutes Book _____, Document # _____.

(12-0469) TAX REFUNDS

Approve refunds in the amount of \$2,547,376.04 and interest as statutorily required to be paid as requested by the Tax Assessor resulting from clerical errors, audits and other amendments.

A list of the refund recipients is on file with the Clerk to the Board.

(12-0471) LEASE FOR ATM MACHINES AT COUNTY FACILITIES

Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Lease of Property to Fifth Third Bank" for placement of ATM Machines at County facilities.

Locations

- (1) Mecklenburg County Courthouse
- (2) Ray's Splash Planet
- (3) Mecklenburg County Jail Central
- (4) Bob Walton Plaza
- (5) Wallace Kuralt Center
- (6) Hal Marshall Center
- (7) Valerie C. Woodard Center
- (8) Mecklenburg County Work Release
- (9) Mecklenburg County Jail Annex

Lease Term Five (5) years

Resolution recorded in full in Minutes Book _____ Document # _____.

(12-0472) CMS CELL TOWER LEASES

Decline to exercise statutory right of first refusal for Berkley Group, LLC cell tower sites on the campuses of:

- 1) Ardrey Kell High School
- 2) Community House Middle School
- 3) Croft Community School
- 4) Elon Park Elementary School
- 5) Jay M. Robinson Middle School
- 6) Myers Park High School

Note: North Carolina General Statute (NCGS) 115C-518(a) requires local school boards of education to give local boards of county commissioners the first opportunity to acquire any school-owned real estate that is proposed for disposal. To comply with this statute, CMS must offer the above cell tower sites to the County prior to entering into a lease with the Berkley Group, LLC to construct, operate and maintain wireless communications facilities (a cell tower) on CMBE Property.

(12-0474) CHARLOTTE-MECKLENBURG SCHOOLS LEASE FOR DISTRIBUTION WAREHOUSE

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Adopt a resolution titled "Mecklenburg County Board of Commissioners Resolution Authorizing Charlotte-Mecklenburg Board of Education to Negotiate and Execute a Lease with 5401 Hovis Road II, LLC" for warehouse space.

Note: North Carolina G.S. 115C-530 stipulates that operational leases of real or personal property for use as school buildings or facilities for three years or greater must be approved by a resolution adopted by the local board of county commissioners.

Resolution recorded in full in Minutes Book _____ Document # _____.

(12-0476) PROCLAMATION -- WOMEN'S EQUALITY DAY - 2012

Adopt a proclamation designating August 26, 2012 as Women's Equality Day.

A copy of the proclamation is on file with the Clerk to the Board.

(12-0477) MECKLENBURG COUNTY PROPERTY DISPOSAL AND REDEPLOYMENT POLICY AND PROCEDURE

Approve an amendment to the Mecklenburg County Property Disposal and Redeployment Policy and Procedure to include disposal of motor vehicles.

Policy recorded in full in Minutes Book _____ Document # _____.

(12-0479) APPOINTMENT OF REVIEW OFFICERS

Amend "Resolution Designating Review Officers to Review Each Map and Plat Recorded in the Register of Deeds Office Pursuant to N.C.G.S. 47-30.2" to designate Krystal M. Bright as a Review Officer.

Resolution recorded in full in Minute Book _____ document # _____.

(12-0484) BUDGET AMENDMENT -- AREA MENTAL HEALTH (REVENUE INCREASE)

Recognize, receive and appropriate federal grant funds from the U.S. Department of Housing and Urban Development in the amount of \$361,127 for the grant period in renewal of ACCESS Project Grant.

Note: The goal of the program is to provide supportive services, such as mental health treatment and case management for consumers who are homeless and disabled.

(12-0489) TRANSFER OF VEHICLES

Pursuant to G.S. 160A-279, adopt a resolution approving the transfer of eleven vehicles to Community Alternatives Incorporated, d/b/a Community Choices, a non-profit community-based agency that provides substance abuse treatment and residential services to pregnant women with dependent children.

Resolution recorded in full in Minutes Book _____ Document # _____.

(12-0492) MINUTES

Approve minutes of Regular meeting held July 3, 2012 and Closed Session held July 3, 2012.

(12-0502) BOARD BULLETIN

Receive the County Manager's Board Bulletins published since the last Board meeting.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

(12-0416) AMEND ORDINANCE -- MALLARD CREEK RECREATION CENTER CAPITAL RESERVE FUND

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

A. Amend the Mecklenburg County Recreation Centers Capital Reserve Fund ordinance to include all recreation centers

B. Rename the fund to *Recreation Centers Capital Reserve Fund*

C. Approve a set aside of 10% of recreation center revenues from admissions, passes, and rental fees from all recreation centers to be held in the amended fund.

Ordinance recorded in full in Minutes Book _____ Document # _____.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0420) CAPITAL RESERVE EXPENDITURE -- NATURAL AREAS CAPITAL RESERVE (PARK & RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate expenditure of up to \$31,125 from the Park & Recreation Natural Areas Capital Reserve account to prepare the timber sites for planting and to install shortleaf pine tree seedlings.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0423) BUDGET AMENDMENT -- SHERIFF'S OFFICE (REVENUE INCREASE)

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to recognize, receive and appropriate \$18,203 from seized assets and video poker funds for Sheriff's Special Revenue Fund.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0437) REVALUATION RESERVE FUND

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Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to adopt resolution establishing a special reserve fund for the next property reappraisal.

Resolution recorded in full in Minute Book _____ Document # _____.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0440) CAPITAL RESERVE EXPENDITURE -- AQUATIC FACILITIES (PARK & RECREATION)

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate \$4,700 from the Consolidated Aquatic Capital Reserve to drill and set pool deck anchors at all aquatic facilities to install ADA pool lifts.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0442) CAPITAL RESERVE EXPENDITURE -- RECREATION FACILITIES FOR SOCCER/TENNIS/PICNIC

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate \$75,000 from the Soccer/Tennis/Picnic Capital Reserve Fund to repair and renovate tennis courts at Veterans Park, Colonel Francis Beatty Park, Jetton Park and Coulwood Park.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0443) PURCHASE AGREEMENT -- NON-LATEX GLOVES (SHERIFF'S OFFICE)

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to authorize the County Manager to approve and execute a unit price five-year contract with Performance Safety Group, LLC for the purchase of non-latex gloves for a total of \$330,050.

Note: The estimated FY 2013 expenditures are estimated to be \$64,170.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0451) CONSTRUCTION CONTRACT -- MECKLENBURG COUNTY AQUATIC CENTER ROOF REPLACEMENT

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to award a Contract to Interstate Roofing in the amount of \$715,000 for the roof replacement at the Mecklenburg County Aquatic Center.

Commissioner Leake removed this item from Consent for more public awareness.

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(12-0454) CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FY 2012-2013 ADOPTED BUDGET

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to approve CMS Budget Amendments

Note: The Board of Education requested approval of changes in the allocation of the County appropriation by purpose and/or function of the amount included in the Board of County Commissioners (BOCC) budget resolution on June 5, 2012. As part of the adopted FY 2013 budget, the Board of County Commissioners approved a total operating funding level of \$337,432,664 for CMS. Of this amount, \$18,555,613 was placed in restricted contingency for funding pay increases for CMS staff. The changes reflect the incorporation of the release of the restricted contingency funding. The previous allocations were established by CMS staff as placeholders in the budget resolution until the adoption of CMS budget by the Board of Education. The BOCC is required to approve any reallocation of funds submitted by the Board of Education that exceeds ten percent within the purpose and/or function categories of the approved County appropriation. The changes are the result of CMS adjustments required to adjust CMS expenditure level to the County appropriation of \$337,432,664. These changes are only adjustments in the allocation of funds. No additional funds are being requested.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0462) NCDOT GRANT -- LITTLE SUGAR CREEK GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

- 1) Approve Mecklenburg County as a recipient for an NCDOT Grant to fully fund the design of Little Sugar Creek Greenway from the confluence of Briar Creek and Little Sugar Creek to the County-owned land off Cadillac Street in Pineville (project designated by NCDOT as LSC Greenway - Phase E).
- 2) Authorize the County Manager to negotiate and execute the grant agreement.
- 3) Recognize and appropriate grant funds awarded for the duration of the grant period.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0463) NCDOT GRANT -- WESLEY HEIGHTS GREENWAY

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to

- 1) Approve Mecklenburg County as a recipient for an NCDOT Congestion Mitigation and Air Quality Improvement (CMAQ) Grant to help fund the construction of Wesley Heights Greenway, Cedar Street to Summit Avenue.
- 2) Approve Haden Stanziale PA as the design firm for the Wesley Heights Greenway without going through the RFP process because its familiarity with the project will provide greater efficiency and effectiveness, as authorized by NCGS 143-64.32.

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3) Approve the use of Federal DBE special provision for bidding, instead of using the County M/W/SBE provisions, as required to obtain NCDOT grant funding.

4) Authorize the County Manager to negotiate and execute the agreements listed above.

Commissioner Leake removed this item from Consent for more public awareness.

**(12-0465) CAPITAL RESERVE EXPENDITURE -- PUBLIC GOLF COURSES CONSOLIDATED
CAPITAL RESERVE FUND**

Motion was made by Commissioner Leake, seconded by Commissioner Roberts and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to appropriate \$475,000 from the Public Golf Courses Consolidated Capital Reserve Fund to renovate the men and women restrooms at the Renaissance Park Golf Course; and repair and pave the parking lot and the 18 holes of cart paths at the Sunset Hills Golf Course.

Commissioner Leake removed this item from Consent for more public awareness.

(12-0470) GREENWAY DONATION -- MCMULLEN CREEK

Motion was made by Commissioner Roberts, seconded by Commissioner Leake and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, to accept donation of portions of Tax Parcels #209-223-75, #209-223-76, and #209-223-79 (totaling +/- 4.968 acres) from Heydon Hall, LLC and Rhein Interests of Charlotte on McMullen Creek.

Note: The property is being donated by Heydon Hall, LLC and Rhein Interest of Charlotte as part of the subdivision approval for the Heydon Hall residential development. The property is within the floodplain and will add to greenway assemblage along McMullen Creek Greenway.

Commissioner Roberts removed this item from Consent for more public awareness.

ADJOURNMENT

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 6-0 with Commissioners Bentley, Clarke, Cogdell, Dunlap, Leake, and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:30 p.m.

Janice S. Paige, Clerk

Harold Cogdell, Jr., Chairman